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REMARKS

In the office action dated April 10, 2007, all pending claims 1-20 were rejected. Claims 1, 10, 11, 14 and 15 are independent claims. Applicants submit that the claims are patentable over the prior art of record and request reconsideration in view of the following remarks.

Rejections under Section 103(a)

Claims 1-7 and 9-20 were rejected under § 103(a) as allegedly obvious over U.S. 20040025037 (Hair) in view of U.S. 6,272,539 (Cuomo). Claim 8 was rejected under § 103(a) as allegedly obvious over Hair in view Cuomo and U.S. 20020057285 (Nicholas III). These rejections are traversed.

The present patent application is entitled "Blocking input with delayed message" and in Figures 2 and 3 it describes an example involving a panel 200 having the delayed message 300. [Spec. 4:20—5:24.] When the panel 200 is triggered to communicate with another system (e.g., a server device), blocking of user input begins. [Spec. 4:30-31.] The present specification then describes two possibilities:

> If the communication is finished before a specific time, the input blocking ceases *without a message being presented* to the user. If the communication lasts longer than a specific time, the server-provided framework code 124 causes *a message 300 to be presented* to the user (see Figure 3).

[Spec. 5:5-8 (emphasis added).]

Accordingly, the disclosure contemplates that the actual time for the client-server communication is to be detected. Moreover, if this actual time exceeds "a specific time", the message is to be presented. This means that when the communication takes longer, the message is displayed after a delay. In contrast, if the communication finishes in less than the specified time the message need not be displayed. The Background section of the present application describes an approach where the message is displayed regardless of how long the roundtrip lasts and mentions that "the sudden display and then disappearance of the message box may not be

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helpful to the user, particularly if it flashes by in such a short time that the user cannot read the message." [Spec. 1:23-29.] Accordingly, delayed presentation of a message should be conditioned on the actual duration of the communication.

Each of the present independent claims mentions the actual duration of one or more communications and conditions the message presentation on the actual time(s) exceeding a limit. Independent claim 1 states that executable code is provided from a server device to a client device, and that this code when executed blocks user input during communications between the client device and the server device. Claim 1 also states that "if any of the communications lasts longer than a specific time," the executable code causes a message to be presented. Independent claims 10, 11, 14 and 15 contain similar language. Hair and Cuomo, alone or in combination, fail to disclose that delayed presentation of a message should be conditioned on the actual duration of the communication.

Hair and Cuomo do not disclose conditional delayed presentation of a message

The Examiner conceded that Hair does not disclose all of the subject matter of the present independent claims and stated that "Hair does not disclose … if any of the communications between the client device and the server device lasts longer than a specific time, causing a message to be presented …". [Office action page 3.]

Applicants agree that Hair does not disclose at least the aspects of the present claims mentioned by the Examiner and thus believe the Examiner's assertion is correct.

Regarding Cuomo, the Examiner took the position that the presentation of estimated delay values [in Cuomo 3:21-24, 14:18-29 and FIGS. 7a-c] discloses the present subject matter that is not disclosed by Hair. Applicants respectfully disagree.

In contrast to the present claims, Cuomo appears to present the estimated delay information for every message, as soon as it becomes available. For example, Cuomo states that "*once* an estimate of overall delay is calculated (block 90), it is provided to the user …". [Cuomo 8:22-23 (emphasis added).] Moreover, Cuomo's overall delay estimate is based on the output of block 50, which Cuomo describes as an "instantaneous estimate" [Cuomo 12:44], and

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on the output of block 60, which is also an "instantaneous estimate" [Cuomo 12:50]. Accordingly, there is no disclosure in Cuomo that the message be conditionally displayed, or that it be displayed only after a specific time, as recited in the present claims.

Hair and Cuomo, alone or in combination, fail to disclose at least presenting a message to the user "if any of the communications between the client device and the server device lasts longer than a specific time" as recited in the present claims. As such, Hair and Cuomo fail to disclose at least one aspect of the method as recited in independent claims 1, 10, 11 and 14. Also, Hair and Cuomo fail to disclose the client device with client-side framework code as recited in independent claim 15.

Hair and Cuomo do not disclose use of actual communication times

As noted above, Applicants agree with the Examiner that Hair does not disclose at least the aspect of the present claims that the message is presented "if any of the communications between the client device and the server device lasts longer than a specific time ...".

But Cuomo also does not condition message presentation on the actual duration of a communication. This is because Cuomo teaches that the delay should be estimated and that the estimated overall delay should be presented to the user. [Cuomo Title, Abstract.] Cuomo accomplishes this by estimating a delay due to round-trip communications (block 50), estimating available network bandwidth (block 60) and estimating transmission delays ((block 80). [Cuomo 12:44—13:18.] Cuomo does not use the actual duration of a communication to condition the presentation of the message regarding that communication. It therefore cannot be said that Cuomo discloses the feature of presenting the message "if any of the communications between the client device and the server device lasts longer than a specific time ...".

The approach that uses actual communication time can overcome disadvantages in relying on estimates. First, estimates are inherently associated with some uncertainty. For example, Cuomo states "in some instances it may be difficult or impractical to accurately estimate ...". [Cuomo 11:55-56.] Cuomo also states that "in many situations, it may not be possible to precisely estimate overall delay ...". [Cuomo 12:8-9.]

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Second, an uncertain estimate can result in an action being inadvertently taken (or not taken), to the inconvenience of the user. For example, estimating a significant delay where there turns out to be none might cause a message to be shown that the user does not really need to see (i.e., a false positive). On the other hand, estimating no delay when there is in fact a considerable delay might result in not showing a message that the user really needs (i.e., a false negative). Thus, conditioning message presentation on actual durations (and not estimates) of the communication times can provide advantages over Cuomo's approach.

It therefore cannot be said that Hair or Cuomo, alone or in combination, renders the present independent claims obvious. The present claims are therefore patentable over the references.

Features in the dependent claims

Claim 2 recites that "the executable code is client-side framework code provided from framework code in the server device that controls communications between the server device and client devices." Hair, in contrast, discloses that the serving device 10 causes the client device 11 to temporarily suspend user intervention for only the communication of the current computer file and/or program. [Hair 0031.] Hair therefore fails to show executable code that "controls communications between the server device and client devices".

Claim 3 recites that the executable code is provided "in response to the server device receiving a request from the client device to launch an application program capable of initiating the communications". The Examiner interpreted the operating system of Hair's serving device as disclosing this claim aspect. However, Hair's instruction for the client device to suspend user interaction is not provided in response to any request to launch the operating system of the serving device. Hair therefore fails to show the feature of claim 3.

Claim 4 recites "providing application program code to the client device wherein the message is an over-definition of a default message". Claims 12 and 17 recite that "the presented message is an over-definition of a default message". The Examiner took the position that Cuomo's disclosure of visual delay information in FIGS. 6a-c and 7a-e, Cuomo 13:25-65,

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discloses these claim aspects. However, none of Cuomo's examples of visually displayed information includes "an over-definition of a default message". Cuomo therefore fails to show the features of claims 4, 12 and 17.

Claim 5 recites that "a communication lasts longer than the specific time due to network delays, server-side delays, or combinations thereof." Claim 16 recites that "the client-side framework code when executed causes the message to be presented for client-server communications that last longer than the specific time due to network delays, server-side delays, or combinations thereof". As noted above, Cuomo fails to condition the message presentation on the actual duration of the communication. As such, Cuomo does not disclose that a communication lasts "longer than the specific time due to network delays, server-side delays, or combinations thereof".

Claim 6 recites that "a communication lasts longer than the specific time when the client device has not displayed a server response within the specific time". As noted above, Cuomo does not compare the actual duration of the communication with a specific time. This means that Cuomo does not disclose that the communication has lasted longer than the specific time when "the client device has not displayed a server response within the specific time".

Claim 7 recites that "the executable code ceases to block the client device from receiving user input after each communication has ended". This claim depends from claim 1 which states that the executable code "when executed blocks the client device ... during communications between the client device and the server device ...". Accordingly, "each communication" as stated in claim 7 refers back to the "communications" mentioned in claim 1. As noted above, Hair's serving device causes the client device to temporarily suspend user intervention for only the communication of the current computer file and/or program. As such, Hair fails to show any blocking, or ceasing to block, that is carried on without restriction to a specific downloaded file or program.

Claim 8 recites that "the executable code causes the message to be presented on the client device during one of the communications and causes the client device to cease presenting the message after that communication has ended". The Examiner asserted that Nicholas III discloses

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this feature by extinguishing a message when it could distract the user. [Nicholas III 0017.] Nicholas III discloses "a method in which a message is displayed in relation to or adjacent to the cursor icon in a computer driven display [and] the message moves as the icon moves". [Nicholas III 0015.] However, Nicholas III does not mention ceasing to present a message after a communication has ended. As such, Nicholas II fails to disclose executable code that "causes the client device to cease presenting the message after that communication has ended".

Claim 9 recites "setting the specific time based on at least one selected from the group consisting of: a roundtrip time for a communication between the server device and the client device, typical roundtrip times for communications between the server device and the client device, a roundtrip time expected by at least one user of the client device, and combinations thereof." Claims 13 and 19 recite similar language. As noted above, the specific time in the present claims is what is compared with the actual duration of the communication. Cuomo, in contrast, does not compare the actual duration with any time. As such, Cuomo fails to disclose the specific time as recited in claims 9, 13 or 19.

Claim 18 recites that "the client-side framework code causes the message to be displayed on the client device". As noted above, Cuomo fails to disclose the client-side framework code as recited in claim 15 and therefore also fails to disclose such code causing "the message to be displayed on the client device" as recited in claim 18.

Claim 20 recites that "at least one roundtrip time for a communication between the server device and the client device is recorded and the specific time is set based on the at least one roundtrip time". The Examiner took the position that this is disclosed by Cuomo's teaching that the delays of transmitted messages are measured [Cuomo 8:54-60] and by Cuomo 14:6-25. Moreover, the Examiner stated that "in order to display a roundtrip time/estimated delay, the system inherently records the delay, and it is interpreted that the delay, i.e., specific time, is set to equal the delay value." [Office action page 10.] Applicants respectfully disagree. Contrary to the Examiner's assertion, Applicants submit that Cuomo works with estimated delays and that it is not inherent therein to record the delay of the current message. In fact, as noted above, Cuomo

does not compare an actual communication time with a specific time, and therefore fails to disclose the feature regarding a specific time in claim 20.

Conclusion

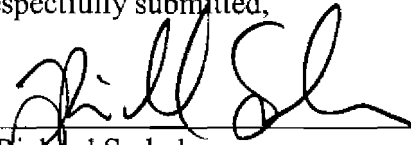Favorable reconsideration of all pending claims in view of the above remarks is requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7/10/07

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